Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of	)	
	)	CC Docket No. 01-321
Performance Measurements and Standards for	)	
Interstate Special Access Services	)	

Comments of DIRECTV Broadband, Inc.

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SUMMARY

DIRECTV Broadband, Inc. provides advanced broadband services to consumers nationwide by means of xDSL Connectivity it purchases from ILECs, and where possible, CLECs. DIRECTV Broadband, Inc. urges the Commission to establish performance standards in this proceeding that specifically apply to ILEC-provided last mile and transport xDSL services. The Commission has previously determined that xDSL is interstate special access. Accordingly, the Commission can, and should, establish performance metrics for xDSL in this proceeding.

Performance standards for ILEC-provided xDSL services are also necessary to safeguard against ILEC discrimination against unaffiliated broadband providers, to improve quality of provisioning, and because states are not able to effectively establish performance standards for interstate special access services. Provisioning standards for xDSL service will assure that DIRECTV Broadband, Inc. and other broadband service providers will be able to bring new, advanced services to consumers.

DIRECTV Broadband, Inc. believes that consensus proposals of the competitive industry that may be submitted in this proceeding could serve as starting points for provisioning standards for xDSL service provided that they are specifically disaggregated to apply to xDSL in addition to other interstate special access services. The Commission should also establish standards for provision of loop qualification information, and downtime of applicable xDSL ordering OSS.

The Commission should also establish reporting and other measures that will assure that ILECs are not able to degrade the utility of xDSL services for provision of new, competitive enhanced and other services by "de-tuning" this service such as by imposing additional communications protocols without adequate consideration of the consequences to competition of these changes.

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Pursuant to the Notice of Proposed Rulemaking ("NPRM") in this proceeding,[1] DIRECTV Broadband, Inc.[2] ("DIRECTV Broadband"), by its undersigned counsel, submits these comments to urge the Commission to establish national performance measurements and standards for interstate special access services, including, in particular, wholesale digital subscriber line ("DSL") special access connectivity, provided by incumbent local exchange carriers ("ILECs") to enhanced services providers such as DIRECTV Broadband. DIRECTV Broadband is an enhanced broadband services provider ("BSP") that offers retail high-speed DSL-based broadband services such as Internet access, e-mail, web-hosting, multiple computer networking services, virus and security services, and, in the future, other interactive and consumer-focused broadband services and applications. DIRECTV Broadband is a customer-focused business that delivers these broadband services to consumers utilizing xDSL special access purchased from ILECs, or, where possible, from CLECs. DIRECTV Broadband operates its own nationwide broadband network, is not a dial-up provider, and purchases last mile DSL Connectivity and local transport from a diverse group of LECs including Ameritech,

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1 *Performance Measurements and Standards for Interstate Special Access*, Notice of Proposed Rulemaking, CC Docket No. 01-321, FCC 01-339, released November 19, 2001 ("*NPRM*")

2 DIRECTV Broadband is a subsidiary of DIRECTV, Inc., a leading provider of multichannel video services to residential consumers nationwide.

BellSouth, MCI WorldCom (former Rhythms operations), Pacific Bell, Qwest, Southwestern Bell, and Verizon (including the former GTE). DIRECTV Broadband serves almost 100,000 residential customers nationwide in 146 Metropolitan Areas (MSAa) and is one of the largest non-ILEC affiliated broadband providers in the country.

I. WHOLESALE XDSL SERVICE IS INTERSTATE SPECIAL ACCESS SERVICE WITHIN THE SCOPE OF THIS PROCEEDING

In the *GTE DSL Order*, the Commission held that "ADSL service is a special access service, thus warranting federal regulation under the 'ten percent' rule" applicable to special access services.[3] Pursuant to this decision, both the last mile DSL connections *and* the transport circuits that each broadband provider must purchase from the LEC in order to carry DSL between the LEC ATM network and the provider's ATM network, are interstate access services subject to the Commission's jurisdiction, and tariffed at the federal level. Accordingly, performance metrics governing ILEC provisioning of wholesale last mile xDSL circuits and DSL transport circuits (together referred to, herein, as "DSL Connectivity") are within the scope of proposals in the *NPRM,* and the Commission may, and should, adopt such metrics in this proceeding.

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[3] *GTE Telephone Operating Cos., GTOC Tariff No. 1, GTOC Transmittal No. 1148*, 13 FCC Rcd 22466 (1998) at ¶ 25 ("*GTE DSL Order*"). Under the "ten percent rule," "special access lines carrying more than *de minimis* amounts of interstate traffic to private line systems should be assigned to the interstate jurisdiction. Interstate traffic is deemed *de minimis* when it amounts to ten percent or less of the total traffic on a special access line." *Id.* at ¶ 23, *citing MTS and WATS Market Structure, Amendment of Part 36 of the Commission's Rules and Establishment of a Joint Board*, 4 FCC Rcd 5660 (1989).

II. THE COMMISSION SHOULD ESTABLISH STRONG PERFORMANCE STANDARDS GOVERNING WHOLESALE ILEC-PROVIDED DSL CONNECTIVITY

A. Performance Standards Are Necessary to Assure Nondiscrimination

Throughout its *Computer Inquiry* rulemakings and successor cases, the Commission has sought to assure that ILECs are not able to discriminate in their provision of telecommunications services to unaffiliated enhanced services providers, especially in light of the fact that ILECs frequently have their own enhanced services operations.[4] Most recently, in its *Bundling Order* issued in March 2001, the Commission stated:

> The internet service providers require DSL service to offer competitive internet access service. We take this issue seriously, and note that all carriers have a firm obligation under section 202 of the Act to not discriminate in their provision of transmission service to competitive internet or other enhanced service providers. Indeed, the Commission has already found that where there is an incentive for a carrier to discriminate unreasonably in its provision of basic transmission services used by competitors to provide enhanced services, section 202 acts as a bar to such discrimination. In addition, we would view such discrimination in pricing, terms, or conditions that favor one competitive enhanced service provider over another or the carrier, itself, to be an unreasonable practice under § 201(b) of the Act.[5]

However, the Commission does not have any mechanisms in place to monitor or assure that ILECs are in fact not discriminating against unaffiliated BSPs in provisioning of the key telecommunications services that BSPs purchase to provide their enhanced service offerings. For example, tariffed terms and conditions to do not establish provisioning standards for DSL connectivity. Nor do ILECs otherwise track and report their provisioning of wholesale DSL connectivity to BSPs. Regulators are, for all practical purposes, completely in the dark as to

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[4] See, e.g., *Computer III Phase I Order*, 104 FCC 2d at 1011-13.

[5] *See Policy and Rules Concerning the Interstate, Interexchange Marketplace, CC Docket 96-61; 1998 Biennial Regulatory Review – Review of Customer Premises Equipment and Enhanced Services Unbundling Rules in the Interexchange, Exchange Access and Local Exchange Markets*, CC Docket 98-183, Report and Order, FCC 01-98 (rel. March 30, 2001), at ¶ 46.

whether ILECs are discriminating in provisioning of DSL Connectivity to unaffiliated BSPs.[6] Accordingly, the Commission should establish performance standards and penalties to govern ILEC provisioning of DSL Connectivity in order to assure nondiscrimination against unaffiliated BSPs. In this connection, the Commission should require for each performance standard, a comparison between provisioning to the ILEC's own BSP operations and to unaffiliated providers.

B. BSPs Are Dependent on ILEC-Provided Wholesale DSL Connectivity

At the present time, ILECs provide the overwhelming majority of DSL access lines in most markets.[7] The number of CLEC xDSL providers has decreased in the past year, and in many areas the ILEC is the only remaining source of xDSL access circuits. For all practical purposes, there are no alternatives to ILECs for wholesale DSL Connectivity. The consequence is that BSPs are unable to obtain comparable, ubiquitous access to end-users through access providers other than the ILECs. Therefore, without access to ILEC DSL Connectivity, DIRECTV Broadband would in many cases lack any viable alternatives to provide broadband services to certain consumers.

Furthermore, it is important for national BSPs to be able to utilize suppliers that can offer the widest possible market coverage. The addition of each new supplier of access services requires DIRECTV Broadband or any other BSP to make a significant investment in adapting to the new carriers' technical standards and ordering systems, as well as purchasing transport circuits to connect the carrier's network to the BSP's network. Even in particular

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[6] The Commission should note that unaffiliated BSPs have initiated state and federal proceedings alleging that SBC and its subsidiaries intentionally discriminate in favor of their affiliated BSPs in provisioning DSL Connectivity.

[7] The Commission can and should establish xDSL special access performance standards for ILECs regardless of the outcome of its separate proceeding as to whether the ILECs remain dominant in the delivery of xDSL or broadband access services. The large ILECs clearly remain dominant in the provision of *wholesale* broadband access, under any definition of broadband. Notwithstanding any broadband competition from cable and other modes of delivery at the retail level, there is still only very limited competition at the wholesale level.

markets where an alternative to ILEC service may be available today, that alternative is not necessarily viable for a BSP to deliver service. In addition, DIRECTV Broadband has suffered significant expense, disruption, and customer frustration as some of its CLEC DSL Connectivity providers have disappeared from the market.[8] Therefore, DIRECTV Broadband and other BSPs remain highly dependent on service from major ILECs to provide broadband services that compete with ILEC BSPs. The Commission should establish performance metrics for this service in order to counterbalance BSPs dependence on ILEC-provided wholesale xDSL service.

In this connection, it is worth noting that ILEC ISPs, which have held only a single digit percentage of the dial-up ISP market, have been able to capture as much as 80% or more of the retail DSL market, even though they started offering these services later than many competitive providers and provided a very small percentage of the dial-up access services that preceded broadband.[9] This massive market shift from the highly competitive dial-up market to the ILEC-dominated DSL/ISP market should at a minimum heighten concern that market forces alone may not be adequate to police ILEC discriminatory practices, and support the adoption of performance metrics that can help assure adequate provisioning by ILECs.

C. Unaffiliated BSPs Receive Poor and Discriminatory Provisioning of Wholesale DSL Connectivity From ILECs

DIRECTV Broadband has experienced serious and significant problems from inadequate and discriminatory provisioning by certain ILECs. Lines are often provisioned, if at all, only after exceptional delays; if ILEC ISPs obtained lines at the same rate, they never could

[8] DIRECTV Broadband utilized each of the earlier-listed ILECs as well as Rhythms and NorthPoint during 2001, however both Rhythms and NorthPoint filed for bankruptcy protection last year. Recently, DIRECTV Broadband began working with Rhythms successor MCI WorldCom.

[9] In SBC's incumbent territory, for example, more than 80% of SBC's DSL access lines are provisioned to SBC-affiliated ISPs. SBC Investor Briefing No. 225, http://www.sbc.com/Investor/Financial/Earning_Info/docs/1Q_1B_FINAL.pdf, at 4 (Apr. 23, 2001).

have amassed the hundreds of thousands of DSL lines they now have in service. Notably, for instance, during the Summer of 2000, SBC's public disclosures indicated that it installed one order for every 18 orders delivered by its affiliated BSP, while at the same time SBC made only one installation for every 580 orders delivered by DIRECTV Broadband.

On an inordinate number of occasions, DIRECTV Broadband is informed that an order cannot be accommodated because no loops and/or DSLAM ports are available, or that provisioning is contingent on payment for loop conditioning. Repairs are slow, and often ILEC maintenance personnel do not show up for appointments. Lack of adequate access to accurate loop make-up and pre-qualification information is a chronic problem that seriously hinders DIRECTV Broadband's ability to offer competitive services.

In contrast, the ILECs own BSP operations are not subject to these same problems, and, in fact, enjoy superior quality provisioning and access to information. Accordingly, the Commission should establish performance standards for wholesale xDSL in order to correct poor and discriminatory provisioning to unaffiliated BSPs.

D. The Complaint Process Alone Does Not Prevent Nondiscrimination Against BSPs

The Commission cannot rely on the complaint process to assure enforcement of the ILECs' obligations to provide wholesale DSL Connectivity on a nondiscriminatory basis. Even at its most expedited pace, the complaint process is too often slow to undo fully the competitive harms that result from unreasonable or discriminatory conduct. By contrast, one of the most important benefits of performance measures with self-executing penalties – if the penalties are meaningful – is their ability to curtail discrimination before the fact through deterrence.

E. Performance Standards Will Promote Provision of New Services to Consumers

As a consumer-focused residential enhanced services provider, DIRECTV Broadband devotes substantial research and development resources to creating new retail products and services desired by consumers. DIRECTV Broadband, then Telocity, pioneered special customer premises equipment that made possible self-installation of DSL, greatly simplifying and facilitating DSL access for consumers previously burdened with time-consuming, intrusive and often unreliable service appointments. DIRECTV Broadband was the first to deliver multiple computer support, virus protection and firewall services, called its Connect and Protect™ service, which 20% of new customers purchase in addition to high-speed Internet access, e-mail and web hosting. DIRECTV Broadband has designed its facilities and customer equipment to support provision of new broadband services to consumers as demand develops. The ILECs' ability, absent strong and enforceable performance standards, to engage in discriminatory provisioning will undermine DIRECTV Broadband's ability to continue driving innovation in the industry by delivering new broadband services to consumers. For this reason, DIRECTV Broadband cannot stress strongly enough that adequate provisioning of wholesale DSL Connectivity by ILECs is necessary to enable DIRECTV to provide these future services to consumers. Wholesale xDSL is essentially the only ILEC special access product that can realistically be used by BSPs to provide affordable broadband services to consumers. Accordingly, the Commission should adopt performance standards for ILEC xDSL special access provisioning in order to assure that consumers are able to benefit from provision of new, affordable services that BSPs can provide. [10]

[10] *See also, infra*, discussion of metrics that would monitor ILEC attempts to de-tune DSL connectivity to eliminate the current open DSL architecture and eliminate DSL's existing always-on capability and support for important new services that require a consistent network presence, such as home-monitoring and digital voice service.

F. The Public Benefits of ILEC xDSL Performance Standards Outweigh the Minimal Regulatory Obligations that Would be Imposed

As discussed, performance metrics, by deterring and detecting discrimination and anti-competitive conduct, would help assure that BSPs are able to bring new services to consumers. In contrast, performance standards for wholesale xDSL connectivity would not impose significant burdens on ILECs, especially if they are part of a larger set of special access metrics. Of course, the burden on large ILECs to participate in performance reporting and compliance is readily manageable for companies of their size and experience with just such processes. Accordingly, the Commission should adopt performance metrics governing wholesale xDSL connectivity because the benefits of an effective performance standards program outweigh the burdens of compliance.

G. States Are Not Likely to Establish Performance Standards for Wholesale xDSL

As the *NPRM* notes, some state commissions have determined that they lack authority to establish performance standards for interstate special access services, and ILECs have challenged the exercise of such authority by other state commissions.[11] Because the Commission has previously determined that xDSL circuits are interstate special access services subject to the jurisdiction of the Commission, the urgent need for xDSL performance metrics is best addressed by the Commission. While states attempt to oversee UNE provisioning to CLECs, the ILECs' wholesale xDSL access provisioning has remained unsupervised, much to the detriment of competitive enhanced services providers. Therefore, the Commission should establish performance standards for wholesale DSL Connectivity because state authorities are not likely to do so.

[11] NPRM at ¶ 11.

III. RECOMMENDED PERFORMANCE MEASUREMENTS AND STANDARDS FOR XDSL SPECIAL ACCESS SERVICES

DIRECTV Broadband understands that it is likely that a proposal by a coalition of competitive carriers concerning special access performance standards may be submitted in this proceeding. While DIRECTV Broadband reserves judgment until it has had the opportunity to review the consensus proposal submitted on the record, DIRECTV Broadband believes that this proposal may provide a useful starting point for metrics governing wholesale DSL service. These proposed standards could be acceptable if specifically disaggregated to apply to wholesale xDSL. Thus, for example, standards for timeliness of FOCs would apply to wholesale xDSL as well as DS1, DS3, etc.

In addition, performance standards for wholesale xDSL must include standards that will assure reasonable and nondiscriminatory access to loop qualification information. The Commission has previously recognized the importance to CLECs of obtaining timely and accurate loop qualification information needed to provide DSL Connectivity. BSPs, like CLECs, need access to loop qualification information so that they are able to market their DSL-based services to prospective customers. The sole source of loop qualification information relating to the public telephone network is the ILECs, who exclusively manage that network. In addition, if ILECs provide superior loop qualification information to their own enhanced services operations, competitive ESPs will be impaired in their ability to compete in the enhanced services market. Therefore, xDSL special access metrics should include loop qualification metrics that measure and set standards for (1) the periods of unavailability of the ILECs' electronic loop qualification system, (2) the number of false positive loop qualification reports, in which an ILEC incorrectly reports that a loop is xDSL capable, and (3) the number of false negative reports. Proposed metrics for these loop qualification standards are attached to these comments.

DIRECTV Broadband must be able to match the ability of ILEC-affiliated ISPs to offer real-time, always available responses to consumers as to whether they are eligible to order an xDSL line to their home. Prospective customers submit these requests 24-hours per day, via DIRECTV Broadband customer service operators or the DIRECTV Broadband website. If the ILEC systems that provide this information to DIRECTV Broadband are unavailable an unreasonable amount of time, or unavailable more often than the ILECs own BSPs have access to this information, DIRECTV Broadband cannot compete effectively. Therefore, DIRECTV Broadband's proposed metric would establish a performance standard of no more than two hours of downtime for ILEC loop qualification systems each month.

A second proposed metric, false positive loop qualifications, would measure the number of instances in which an ILEC reported to BSPs that xDSL connectivity could be provisioned to a requested location when, in fact, no qualified facilities were available. False positives are a more significant issue in DSL than other special access services because they are more common, and because of the greater likelihood that an end-user seeking to obtain xDSL-based services will experience ordering and installation frustrations. Tracking of false positives are especially important because they cause significant damage to DIRECTV Broadband's relationship with a prospective customer, and to that customer's brand image of DIRECTV generally. In many cases, these prospective customers are also either customers or prospective customers of DIRECTV's multi-channel video services. DIRECTV Broadband's proposed metric would establish a maximum acceptable performance standard of 2% for false positive loop qualification reports per month. DIRECTV also proposes a similar metric for false negatives. False negatives prevent DIRECTV from providing service when, in fact, qualified loop facilities are available.

Another element of DSL Connectivity that the Commission must monitor is the manner in which the current capability and open architecture of the wholesale DSL product may be degraded or eliminated, by "de-tuning" DSL. The most immediate instance of this kind of detrimental change is the additional layer communication protocol that several ILECs have suggested they will impose over the objections of BSPs, called PPP over Ethernet, or "PPPoE." This new protocol would eliminate the "always on" nature of DSL connectivity, meaning that it will change fundamentally what DSL connectivity is today and terminate the capability of DSL to support any service that requires a consistent network presence at the consumer's residence. This would cease DSL's possibility of supporting home security and monitoring services that require network-initiated communication with equipment at the customer premises and would, likewise, eliminate digital telephony services that require the network to essentially make a call to the customer.

Well in advance of imposing a fundamental architectural change to a product such as DSL connectivity, particularly if it will have such a significant and lasting impact on consumers and providers of broadband services, the ILECs should report to the FCC the nature of the proposed change and the FCC should request comment on it and consider the impact on competition before it can be implemented.[12]

Last, DIRECTV proposes that ILECs report the time interval between the date an ILEC obtains long distance authority under Section 271 of the Act, and hence can carry traffic between LATAs in a region, and the time the ILEC eliminates the requirement that a BSP purchase a separate data transport circuit into each LATA in that region. Data transport represents a little recognized but critical component of the cost structure associated with

[12] The Commission should be aware that SBC imposed PPPoE in the Ameritech region over the objection of DIRECTV Broadband and other BSPs - and without reference in the applicable tariff.

delivering DSL based services. Prior to obtaining long-distance authority, an ILEC cannot carry DSL traffic between LATAs in a region and, accordingly, requires that each BSP purchase a separate expensive transport circuit, sometimes called an "egress circuit," for each LATA where BSP customers will be served. The economics of this arrangement significantly limits the ability of a BSP to serve less densely distributed consumer communities, and hence slows the availability of broadband for many communities.

Some providers, including ILECs on an intraLATA basis, are also unnecessarily limiting the number of customers that can be served on these egress circuits. In some cases, this limit is far below the technical limits of the DS3 circuit of which the egress circuit is comprised. This further burdens and complicates the economics of provision of advanced broadband services to consumers.

One of the primary benefits that consumers should see when an ILEC receives long distance authority in a region is a higher availability of broadband as the ILECs gain the ability to carry data traffic across LATA boundaries. Naturally, the potential of Section 271 relief to help eliminate the "digital divide" is predicated on the ILEC eliminating the economic barrier represented by the requirement that the BSP purchase a transport circuit into that community, if an existing circuit serves a contiguous community formerly separated by a LATA boundary. If, for instance in Texas, where SBC received long distance authority over a year ago, the multiple transport circuit requirement had been eliminated, then DIRECTV Broadband and other BSPs could have served far more communities and consumers by purchasing a single properly sized egress circuit from SBC serving the entire state. However, since receiving long distance

authority in Texas, SBC has not dropped its requirement that each BSP purchase multiple inefficiently sized circuits across Texas.[13]

DIRECTV Broadband proposes that the Commission require each ILEC to report the interval from the time it receives long-distance authority in any region, including contiguous states, and the time it passes on the benefit to communities by eliminating the multiple egress circuit requirement for that region. Nothing will have a greater practical impact on eliminating the digital divide and on accelerating broadband deployment than encouraging the ILECs to expedite the process of eliminating this inefficiency where long distance authority has been granted.

IV. IMPLEMENTATION AND ENFORCEMENT

One of the most important benefits of enforceable performance standards is the prevention of discrimination and substandard provisioning before the fact, rather than punishment for such conduct after the fact. In order to achieve a meaningful deterrent effect on the largest ILECs, it is imperative that the stakes are high enough to affect ILEC incentives and to create proactive processes by which the ILECs manage their own conduct. As the NPRM itself notes, repercussions must be substantial to influence an ILEC with revenues in the tens of billions of dollars.[14] The Commission can establish effective incentives by combining its authority to impose forfeitures with its authority to award damages to injured parties. First, the

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[13] The Commission should note that the beneficiary of the inefficiency is SBC, which receives (a) revenue from BSPs for inefficiently sized circuits; (b) cost relief within its network because it no longer must purchase data transport across LATA boundaries from IXCs; and (c) a barrier to competition from all but equally sized BSPs that have less advantageous economies of scale for utilizing egress circuits serving any particular LATA.

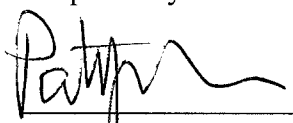
[14] *NPRM* at 31, citing *The Commission's Forfeiture Policy Statement and Amendment of Section 1.80 of the Rules to Incorporate the Forfeiture Guidelines*, 12 FCC Rcd 17087, at 17100, para. 27 (1997), *recon. denied*, 15 FCC Rcd 303 (1999).

base forfeiture amount should be the statutory maximum pursuant to section 503(b).[15] Second, the Commission should establish self-effectuating liquidated damages so that failure to comply with the standards would result in automatic payments to its wholesale special access customers, such as BSPs. These awards should be self-executing to the extent possible to avoid the delay of regulatory proceedings. This approach of penalties, and payments to competitors, has been implemented effectively in a number of states.[16]

V. CONCLUSION

For the foregoing reasons, the Commission should adopt performance measurements and standards to govern ILEC provisioning of DSL Connectivity to broadband service providers as described herein.

Respectfully submitted,



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[15] 47 U.S.C. § 503(b)(2)(B) authorizes the Commission to assess a forfeiture of up to $120,000 for each violation, or each day of a continuing violation, up to a statutory minimum of $1,200,000 for a single act or failure to act.

[16] *See, e.g.*, New York Public Service Commission Cases 97-C-0271 and 99-C-0949, Bell Atlantic-New York-Performance Assurance Plan Proceeding, Order Adopting the Amended Performance Assurance Plan and Amended Change Control Plan (issued Nov. 3, 1999); Florida Public Service Commission Order No. PSC-011-1819-FOF-TP-Docket No. 000121-TP (issued Sept. 10, 2001).

Attachment

Metric: Loop Qualification False Positives

Description

The Loop Qualification False Positives Metric is the percentage, out of the total number of loop qualification reports that an ILEC provides to the Customer during the reporting period, in which the ILEC initially reports that there is an available xDSL capable loop when in fact no such loop is actually available.

Calculation Methodology

Percent False Positives:
[Number of False Positive Loop Qualification Reports/Total Number of Loop Qualifications Performed] x 100

Business Rules

Each instance in which an ILEC performs loop qualification during the reporting period is counted and measured.

Exclusions

- Loop Qualifications Performed but for Which Actual Loop Qualification is Never Verified
- 2.Loop Qualification Requests that are Withdrawn Prior to Delivery of Response by ILEC

Levels of Disaggregation

- xDSL Loop Qualifications where Special Access Facility is Ordered.
- xDSL Loop Qualifications Where False Positive revealed prior to order of special access service.

Performance Standard

Percent False Positives xDSL = < 2.0%.

Metric: Loop Qualification False Negatives

Description

The Loop Qualification False Negatives Metric is the percentage, out of the total number of loop qualification reports that an ILEC provides to the Customer during the reporting period, in which the ILEC initially reports that there is not an available xDSL capable loop when in fact such loop is actually available.

Calculation Methodology

Percent False Negatives:

[Number of False Negative Loop Qualification Reports/Total Number of Loop Qualifications Performed] x 100

Business Rules

Each instance in which an ILEC performs loop qualification during the reporting period is counted and measured.

Exclusions

- Loop Qualifications Performed but for Which Actual Loop Qualification is Never Verified
- Loop Qualification Requests that are Withdrawn Prior to Delivery of Response by ILEC

Levels of Disaggregation

- xDSL Loop Qualifications where Special Access Facility is Ordered.
- xDSL Loop Qualifications Where False Negative revealed prior to order of special access service.

Performance Standard

Percent False Negatives xDSL = < 2.0%.

Metric: Facility Unavailable/Electronic Loop Qualification

Description

The Facility Unavailable/Electronic Loop Qualification Metric counts the total time period during the reporting period in which the ILEC Internet Graphical User Interface (GUI) used by the Customer for obtaining loop qualification information is not available.

Calculation Methodology

Hours of OSS Unavailability: [Number of Minutes in the Reporting Period that GUI is Unavailable/60]

Business Rules

Each period of one minute or more in which the Web GUI is not available is counted and measured.

Exclusions

- Scheduled maintenance between the hours of 12:00AM to 4:00AM within the relevant time zone provided the ILEC provides at least 30 days advance notice

Levels of Disaggregation

- xDSL

Performance Standard

OSS Unavailability for xDSL = < 2.0 hours.